



**PROPOSED RULE MAKING
(RCW 34.05.320)**

CR-102 (7/22/01)
**Do NOT use for expedited
rule making**

Agency: Department of Ecology

A.O. 02-14

Original Notice

- ☒ Preproposal Statement of Inquiry was filed as WSR 09-17-02 ; or
☐ Expedited Rule Making -- Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

☒ Supplemental Notice
to WSR _____

☐ Continuance of WSR _____

(a) Title of rule: (Describe Subject) Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington.

Purpose: This supplemental CR102 is being filed to correct a typo in the statutory listed in WSR # 03.01.124. On that filling the statutory authority was listed as 90.84. The correct citation is Chapter 90.84 RCW. No other changes were made for this supplemental filing.

Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington. These amendments would modify the existing surface water quality standards for Washington. This rule making will propose to revise the surface water quality standards by:

- Moving from the current class-based system to a use-based system for designating beneficial uses of waters (for example swimming and aquatic life habitat) in Washington.
- Making changes to criteria (for example temperature and bacteria) for designated uses of the waters. Providing more clarity and detail on implementing the regulation, including the state's antidegradation policy.
- Organizing the structure and sections of the regulation to make it easier to use.

Other identifying information: N/A

(b) Statutory authority for adoption: Chapters 90.48 and 90.54 RCW

Statute being implemented: Chapters 90.48 and 90.54 RCW

(c) Summary: **This supplemental is being filed to correct a typo nothing else has changed.** Changes are proposed to adopt a new use based system, update criteria, clarify antidegradation, and reorganize and clarify the rule.

Reasons supporting proposal: **This supplemental is being filed to correct a typo nothing else has changed.** These changes are being undertaken to incorporate new science, provide more detail and clarity on implementing the regulations, and better tailor the criteria assigned to our waters to the characteristic uses that actually exist in those waters.

| (d) Name of Agency Personnel Responsible for: | Office Location | Telephone |
|---|-----------------|----------------|
| 1. Drafting..... Susan Braley | Lacey, WA | (360) 407-6414 |
| 2. Implementation.... Susan Braley | Lacey, WA | (360) |
| 3. Enforcement..... Susan Braley | Lacey, WA | (360) |

(e) Name of proponent (person or organization): Department of Ecology

☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters: N/A

(g) Is rule necessary because of:

| | | | |
|-------------------------|---|--|---|
| Federal Law? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | If yes, ATTACH COPY OF TEXT Citation: CITE: 40CFR131.20 |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |

(h) HEARING LOCATION:

Please see attached for hearing locations and times.
Date: see attached Time: see attached

Assistance for persons with disabilities: Contact
Ann Butler at (360) 407-6480. The TTY number is 711 or 1-800-833-6388.
by January 21 2003 TDD (360) 407-6006

Submit written comments to:
Susan Braley, Department of Ecology
Water Quality Program
P.O. Box 47600
Olympia WA 98504-7600
sbra461@ecy.wa.gov

FAX (360) 407-6426 By 5:00 PM on March 7, 2003

DATE OF INTENDED ADOPTION: July 1, 2003

CODE REVISER USE ONLY
CODE REVISER OFFICE
STATE OF WASHINGTON
FILED

FEB 3 2003

TIME 1:36 AM
WSR 03-04-082

NAME (TYPE OR PRINT)

Linda Hoffman

SIGNATURE

TITLE

Deputy Director

DATE

1/31/03

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

This supplemental is being filed to correct a typo nothing else has changed.

The purpose of this rule amendment is to update water quality standards for surface waters of the state of Washington consistent with public health and public enjoyment, and for the protection of fish, shellfish, and wildlife pursuant to the provisions of chapter 90.54 RCW and 90.48 RCW. Washington's surface water quality standards set limits on pollution in order to protect beneficial uses, such as swimming and fishing. The water quality standards serve as the cornerstone for protecting water quality in the state of Washington, and are implemented through programs that control or affect water quality. The revised standards are intended to reflect the latest scientific information and incorporate new state and federal requirements – all aimed at making our waters clean and safe for humans, fish and wildlife.

Federal regulations require that state water quality standards be reviewed and approved by the U.S. Environmental Protection Agency (EPA) for compliance with the Clean Water Act prior to their use. EPA must also prepare and submit a biological assessment to the federal fish and wildlife agencies to determine compliance with the Endangered Species Act (ESA). The new water quality standards will not take effect until this process is completed.

Does proposal change existing rules? ☒ YES ☐ NO If yes, describe changes:

This amendment would make changes to the following areas: The entire rule is impacted by this amendment due to reorganization and clarification with the rule. The rule is now organized into parts to assist the user in finding information more easily. Further, the standards are proposed to be implemented by a use based system rather than a class system. Changes are being proposed to existing criteria for temperature, dissolved oxygen, bacteria, and ammonia, as well as new criteria for agricultural water supplies. The antidegradation section, designed to prevent degradation of water quality, was expanded and clarified. A tools part was added to the rule to provide users with a variety of "tools" that can be used to comply with this regulation.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by writing to:

Susan Braley
Department of Ecology
Water Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

telephoning: (360) 407-6414

faxing: (360) 407-6426

Email: sbra461@ecy.wa.gov

☐ No. Explain why no statement was prepared

(l) Does RCW 34.05.328 apply to this rule adoption? ☒ Yes ☐ No

Please explain: These rule amendments are considered significant legislative in nature, and therefore the documentation necessary to comply with RCW 34.05.328 will be completed.

Workshops and Hearings

This supplemental is being filed to correct a typo nothing else has changed. Workshops are still at this time and location.

All workshops begin at 6pm, public hearings begin at 8pm

Wenatchee Mon., Jan. 27, 2003
Chelan Co. Auditorium
400 Douglas

Spokane Tues., Jan. 28, 2003
Spokane Falls Community College
Stud. Union Bldg 17, Lounge AB
3410 W Fort George Wright Dr.

Pasco Wed., Jan. 29, 2003
Columbia Basin College
2600 N. 20th Ave.

Yakima Thurs., Jan. 30, 2003
Ecology Central Region Office
15 West Yakima Ave., Suite 200

Bellingham Mon., Feb. 3, 2003
Whatcom Co. Courthouse
311 Grand Ave.

Seattle Tues., Feb. 4, 2003
Seattle Center
Northwest Rooms: Lopez Room
305 Harrison St.

Port Angeles Wed., Feb. 5, 2003
Vern Burton Center
308 East 4th St.

Vancouver, Thurs., Feb. 6, 2003
Water Resources Center
4600 SE Columbia Way

[Code of Federal Regulations]
[Title 40, Volume 18]
[Revised as of July 1, 2001]
From the U.S. Government Printing Office via GPO Access
[CITE: 40CFR131.20]

[Page 360-361]

TITLE 40--PROTECTION OF ENVIRONMENT

CHAPTER I--ENVIRONMENTAL PROTECTION
AGENCY (CONTINUED)

PART 131--WATER QUALITY STANDARDS--Table of Contents

Subpart C--Procedures for Review and Revision of Water Quality Standards

Sec. 131.20 State review and revision of water quality standards.

(a) State review. The State shall from time to time, but at least once every three years, hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards. Any water body segment with water quality standards that do not include the uses specified in section 101(a)(2) of the Act shall be re-examined every three years to determine if any new information has become available. If such new information indicates that the uses specified in section 101(a)(2) of the Act are attainable, the State shall revise its standards accordingly. Procedures States establish for identifying and reviewing water bodies for review should be incorporated into their Continuing Planning Process.

(b) Public participation. The State shall hold a public hearing for the purpose of reviewing water quality standards, in accordance with provisions of State law, EPA's water quality management regulation (40 CFR 130.3(b)(6)) and public participation regulation (40 CFR part 25). The proposed water quality standards revision and supporting analyses shall be made available to the public prior to the hearing.

(c) Submittal to EPA. The State shall submit the results of the review, any supporting analysis for the use attainability analysis, the methodologies used for site-specific criteria development, any general policies applicable to water quality standards and any revisions of the standards to the Regional Administrator for review and approval, within 30 days of the final State action to adopt and certify the revised standard, or if no revisions are made as a result of the review, within 30 days of the completion of the review.